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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,419	01/17/2002	Jeffrey S. Davis	EFFF-1-1002	9056

7590 10/22/2004

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EXAMINER

NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/051,419	<b>Applicant(s)</b> DAVIS ET AL.	
	<b>Examiner</b> Le Nguyen	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 11, 22 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Since the specification does not mention the claimed features “speed range” or “range of positions” to make it enabling, it is unclear to the examiner what is meant by (a) “scrolling signal within a range of positions” and a switching signal at one or more points in the range of positions” and, (b) generating a “scrolling signal when moved within a speed range” and a switching signal at one or more points in the speed range”. The examiner will interpret (a) to mean that the scrolling feature has many incremental points with a switching signal corresponding to those incremental points and (b) to mean that when the switching/scrolling device move within a speed range, the switching/scrolling device generates a scrolling signal and then generates a switching signal corresponding to the respective scrolling points.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 8-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Der Meulen.

As per claim 1, Van Der Meulen teaches a jukebox comprising:

a display (figs. 1, 2A, 3 and 6A-7B));

a memory for storing graphic files and associated music files (col. 2, line 59 through col. 3, line 9; col. 3, lines 22-51);

a processor coupled to the display and memory (fig. 4; processor 330), the processor comprising:

a graphical user interface component for generating an image for presentation on the display, the graphical user interface component including (figs. 6A-7B; col. 8, line 55 through col. 10, line 8):

an alphanumeric list component for generating selectable alphanumeric components, wherein the stored graphic and music

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files are associated with one or more alphanumeric components (figs. 6A-7A; col. 8, line 55 through col. 9, line 47);

an album/artist component for generating a plurality of images for display based on a selection from the generated alphanumeric list and the associated graphic and music files; and an information component for generating images and text for display based on a selection from the generated images and the associated graphic, music, and text files (figs. 7(A-B); col. 9, line 24 through col. 10, line 8); and

a song selection component for generating a list of selectable songs based on a selection of one of the images, wherein the generated alphanumeric components, one or more of the images, and song list are displayed on the display (figs. 7(A-B); col. 9, line 24 through col. 10, line 8); and

a controlling device coupled to the processor, the controlling device including (col. 10, lines 26-41; *or touch panel*):

a scrolling device for generating a scrolling signal when operated (figs. 6B and 7A; *scrolling and switching via LCD touch display and elements 641, 711 and 712*);

a switch device for generating a switching signal when operated (col. 3, lines 65-67; col. 10, lines 26-35; col. 11, lines 5-10; col. 12, lines 18-19); and

a song selection component for selecting a song from the generated song list, wherein the processor sends the generated scrolling signal to at least one of the alphanumeric list component, the album/artist select component, or the song selection component based on the generated switching signal (figs. 6A-7B; col. 9, line 16 through col. 10, line 8).

As per claim 2, Van Der Meulen teaches a jukebox wherein the plurality of images are associated with at least one of an album, an artist, or a group of artists (figs 6A-7B; *album 761, artist 715 and groups 620A comprising elements 610 as well as group 640 comprising elements 610*).

As per claims 8 and 9, Van Der Meulen teaches a jukebox wherein the switching device is a momentary contact switch and wherein the switching and scrolling devices are the same device (figs. 6B and 7A; *LCD touch display with elements 641, 711 and 712; col. 3, lines 65-67; col. 10, lines 26-35; col. 11, lines 5-10; col. 12, lines 18-19; i.e. scrolling and switching via LCD touch display*).

As per claim 10, Van Der Meulen teaches a jukebox wherein the switching and scrolling device generates a scrolling signal within a range of positions and a switching signal at one or more points in the range of positions (figs. 7(A-B); col. 9, line 24 through col. 10, line 8; *upon receiving the scrolling signal, the switching signal synchronously or asynchronously switches according to the scrolling increment*).

As per claim 11, Van Der Meulen teaches a jukebox wherein the switching and scrolling device generates a scrolling signal when moved within a speed

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range and a switching signal at one or more points in the speed range (figs. 7(A-B); col. 9, line 24 through col. 10, line 8; *upon selection being made via a switching/scrolling device, the switching/scrolling device activates a scrolling signal and then generates a switching signal corresponding to the respective scrolling points, the speed of which varies on user's selection speed*).

As per claims 12 and 13, Van Der Meulen teaches a jukebox wherein the album/artist select component includes an album/artist identification component for identifying the generated album or artist images and wherein the display includes an album/artist image component for generating an image associated with an identified album or artist image (figs. 7A and 7B; col. 9, lines 24-67; *element 715 identifies the artist and the album while 610 and 750 displays the album or artist*).

Claims 14 and 15 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 2 and is therefore rejected under similar rationale.

As per claims 17, 18 and 19, Van Der Meulen teaches a jukebox wherein: selecting one of the plurality of alphanumeric components includes selecting one of the plurality of alphanumeric components using a scrolling device, selecting one of the displayed images includes selecting one of the images using a scrolling device and selecting a song from the displayed list of songs includes selecting a song using a scrolling device (figs. 6A-7A; col. 3, lines 65-67; *selection is made via LCD touch display*).

As per claim 20, Van Der Meulen teaches a jukebox comprising identifying the selected image (figs. 7(A-B); col. 9, line 24 through col. 10, line 8; *the system picks up the selection and displays the selection on display 700*)

Claim 21 is similar in scope to the combination of claims 8 and 9 and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 10 and is therefore rejected under similar rationale.

Claim 23 is similar in scope to claim 11 and is therefore rejected under similar rationale.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Meulen.

As per claims 3-5, although Van Der Meulen teaches a jukebox comprising a scrolling device for generating a scrolling signal when operated (figs. 6B and 7A; *scrolling and switching via LCD touch display and elements 641, 711 and 712*), Van Der Meulen does not explicitly disclose the scrolling device to be a joystick, a dial or a potentiometer. Official Notice is taken that



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scrolling devices such as a joystick, a dial or a potentiometer are well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include a joystick, a dial or a potentiometer to Van Der Meulen's teaching of a scrolling device such as scroll arrows on a touch screen in order to provide users with an alternative in scrolling devices.

As per claims 6 and 7, although Van Der Meulen teaches a jukebox comprising a switch device for generating a switching signal when operated (col. 3, lines 65-67; col. 10, lines 26-35; col. 11, lines 5-10; col. 12, lines 18-19), Van Der Meulen does not explicitly disclose the switching device to be a throw switch or a toggle switch. Official Notice is taken that switching device such as a throw switch or a toggle switch are well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include a throw switch or a toggle switch to Van Der Meulen's teaching of a switch device in order to provide users with an implementation preference.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al. (US 6,628,302 B2) teach an interactive video programming method.

White et al. (US 6,628,302 B2) teach a method and system for presenting television programming and interactive entertainment.

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Tedesco et al. (US 6,430,537 B1) teach a method and apparatus for priority-based jukebox queuing.

Jones et al. (US 4,788,675) teach a music delivery system.

Zimmer (US 6,430,117) teaches a method for operating a jukebox.

***Inquires***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(703) 305-7601** or **(571) 272-4068** after 10/20/2004. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN  
Patent Examiner  
October 3, 2004

  
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